

26567. Wheat (2 seizure actions). (F.D.C. Nos. 44424, 44441. S. Nos. 21-385 R, 21-666 R.)

QUANTITY: 215,400 lbs. at Baltimore, Md.

SHIPPED: 3-22-60 and 4-6-60, from Swartz Creek, Mich., by Swartz Creek Elevator & Lumber Co.

LIBELED: 4-4-60 and 4-20-60, Dist. Md.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 4-28-60. Consent—claimed by C. H. Runciman Co., Lowell, Mich., and converted into animal feed.

26568. Wheat. (F.D.C. No. 44449. S. No. 40-686 R.)

QUANTITY: 110,000 lbs. at St. Louis, Mo.

SHIPPED: 4-22-60, from Minneapolis, Minn., by Osborne-McMillan Elevator Co.

LIBELED: 5-5-60, E. Dist. Mo.

CHARGE: 402(a)(3)—contained rodent excreta pellets when shipped.

DISPOSITION: 5-5-60. Consent—claimed by Osborne-McMillan Elevator Co., and denatured for use as animal feed.

26569. Wheat. (F.D.C. No. 44448. S. Nos. 14-685/6 R.)

QUANTITY: 213,800 lbs. at Evansville, Ind.

SHIPPED: 4-14-60, from Mount Carmel, Ill., by Igleheart Bros.

LIBELED: On or about 5-10-60, S. Dist. Ind.

CHARGE: 402(a)(2)—the article was a raw agricultural commodity and, when shipped, contained a pesticide chemical, namely, a mercurial compound, which is unsafe within the meaning of 408 since no tolerance or exemption from the requirement of a tolerance for such pesticide chemical on wheat has been prescribed by regulations.

DISPOSITION: 5-10-60. Default—destruction.

COCOA PRODUCTS, CONFECTIONERY, AND SUGAR

COCOA PRODUCTS*

26570. Cocoa beans. (F.D.C. No. 43910. S. Nos. 76-758/9 P.)

QUANTITY: 30 160-lb. bags and 246 140-lb. bags at Seattle, Wash., in possession of Washington Chocolate Co., Inc.

SHIPPED: 12-8-58 and 5-6-59, from San Francisco, Calif., and New York, N.Y.

LIBELED: 11-12-59, W. Dist. Wash.

CHARGE: 402(a)(3)—contained insects and rodent urine; and 402(a)(4)—held under insanitary conditions.

DISPOSITION: 11-30-59. Consent—claimed by Washington Chocolate Co., Inc. Segregated; 366 lbs. destroyed and 2,874 lbs. converted for use as fertilizer.

26571. Cocoa powder. (F.D.C. No. 43328. S. No. 32-859 P.)

QUANTITY: 10 88-lb. bags at Fairview, N.J.

SHIPPED: 1-21-59, from New York, N.Y., by Compex Corp.

LABEL IN PART: "Danish Low-Fat Cocoa Powder * * * Product of Denmark Compex Corp. New York, N.Y."

*See also No. 26596.

RESULTS OF INVESTIGATION: Examination showed that the article contained in excess of 20 percent shell by weight.

LIBELED: 8-3-59, Dist. N.J.

CHARGE: 402(b) (2)—when shipped, cacao shell had been substituted in part for low-fat cocoa; and 403(g) (1)—the article failed to conform to the definition and standard of identity for low-fat cocoa since it contained more cacao shell than is present in low-fat cocoa.

DISPOSITION: 9-14-59. Default—destruction.

26572. Cocoa press cake. (F.D.C. No. 44169. S. No. 85-575 P.)

QUANTITY: 143 155-lb. bags at Brooklyn, N.Y.

SHIPPED: Prior to 4-14-59, from outside the United States.

LIBELED: 1-19-60, E. Dist. N.Y.

CHARGE: 402(a) (3)—contained insects while held for sale.

DISPOSITION: 4-14-60. Consent—claimed by Ernest Adler Co., Inc., New York, N.Y., and denatured for shipment to Holland.

26573. Cocoa and vegetable fat coating. (F.D.C. No. 44419. S. Nos. 96-990/1 P.)

QUANTITY: 34 56-lb. cases and 46 50-lb. cases at Hoboken, N.J.

SHIPPED: Prior to September 1958, from Bucks, England, and Lititz, Pa.

LIBELED: 4-4-60, Dist. N.J.

CHARGE: 402(a) (3)—while held for sale, the articles were unfit for food by reason of having little or no chocolate flavor, possessing an off-odor and a strong, foreign taste, thereby rendering them unpalatable and unfit for food.

DISPOSITION: 5-12-60. Default—destruction.

CONFECTIONERY

26574. Candy. (F.D.C. No. 44400. S. Nos. 96-896/7 P.)

QUANTITY: 185 cases, 48 14-oz. bags each, at New York, N.Y., in possession of West Side Cold Storage Co., Inc.

SHIPPED: 4-17-57, from Stratford, England.

LIBELED: 3-31-60, S. Dist. N.Y.

CHARGE: 402(a) (3)—contained a decomposed substance while held for sale; and 402(a) (4)—held under insanitary conditions.

DISPOSITION: 5-4-60. Default—destruction.

26575. Pascall English Sweets. (F.D.C. No. 44403. S. No. 96-946 P.)

QUANTITY: 25 cases, 12 24-oz. jars each, at Bronx, N.Y.

SHIPPED: 4-3-59 and 8-5-59, from London, England.

RESULTS OF INVESTIGATION: Examination showed the article to be short weight.

LIBELED: 4-5-60, S. Dist. N.Y.

CHARGE: 403(e) (2)—while held for sale, the article failed to bear a label containing an accurate statement of the quantity of the contents; and 403(f)—the net weight and ingredient statements required by the Act to appear on the label were not prominently placed thereon with such conspicuousness (as compared with other words, statements, and designs, or devices, in the labeling) as to render them likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 4-20-60. Consent—claimed by Cresca Co., Inc., Bronx, N.Y., and repacked to the correct weight.